HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13312 of 2007

Date: 09.07.2007

Between:

Akula Appa Rao and others

....Petitioners

and

The Sub-Registrar, Gajuwaka and another

....Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13312 of 2007

O R D E R:

The petitioner claims to have presented a document/sale deed executed on 2.6.2007 before the 1st respondent for registration. It is stated that the 1st respondent refused to issue challan for payment of the requisite stamp duty and registration charges, without stating any reasons. The petitioners seek appropriate directions in this regard.

The learned counsel for the petitioners submits that the 1st respondent cannot refuse to issue challan for the payment of stamp duty and registration charges and if there exists any reasons for not acceding to the request of the petitioners, the authorities shall communicate the reasons therefor.

The learned Government Pleader for Revenue, on instructions at the stage of admission, submits that the lands as regards which the sale deed was executed, were assigned by the Government and in that view of the matter the request of the petitioners cannot be acceded to.

It is, no doubt, true that Section 5 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 prohibits the registering authorities from entertaining any document in relation to an assigned land. The petitioners assert that the lands covered by the sale deed are not assigned to any one.

Be that as it may, if the information available with the 1st respondent discloses that the sale deed covers an assigned land, he must communicate the necessary information to the petitioners. Refusal to take any steps would amount to abdication of powers.

Hence, the writ petition is disposed of directing the 1st respondent to take necessary steps as regards the request of the petitioners to issue challan, and to admit the document for registration in case the other requirements are satisfied. If the 1st respondent is of the view that the request of the petitioners cannot be acceded to, he must communicate the reasons therefor, within a period of one week from the date of receipt of a copy of this order. No order as to costs.

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L.NARASIMHA REDDY, J

9th July, 2007.
cvm